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7                   UNITED STATES DISTRICT COURT FOR THE  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10                   UNITED STATES OF AMERICA,

11                   Plaintiff,

12                   v.

13                   KENNETH FRANCIS SIMMONS,

14                   Defendant.

15                   NO. CR19-5372BHS

16                   ORDER CONTINUING TRIAL

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18       Based on General Orders No. 01-20, 02-20, and 07-20 issued in response to the  
19 continuing outbreak of Coronavirus Disease 2019 (COVID-19), the Court determines that  
20 trial in this case cannot proceed on the currently scheduled date of June 23, 2020. For the  
21 reasons detailed in General Order No. 02-20, the ends of justice served by a continuance  
22 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.  
23 § 3161(h)(7)(A), (B)(i), (iv).

24       IT IS THEREFORE ORDERED that the trial date and other dates shall be continued.

25       The trial date of June 23, 2020, and all other upcoming dates in this case, are hereby  
26 VACATED.

27       The parties shall file a Joint Status Report on or before July 1, 2020, with an agreed  
28 proposed schedule for a trial date and all pretrial deadlines. If the parties do not agree on a

1 proposed schedule, each side shall set forth, in a single report, separate proposals for the trial  
2 date and pretrial deadlines.

3 IT IS FURTHER ORDERED that the time between today's date and July 1, 2020, is  
4 excluded in computing the time within which trial must commence because the ends of  
5 justice served by this continuance outweigh the best interest of the public and the defendant  
6 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Failure to order this continuance would likely  
7 make trial impossible and result in a miscarriage of justice and would deny counsel for the  
8 defendant and government counsel the reasonable time necessary for effective preparation,  
9 taking into account the exercise of due diligence. *Id.* § (B)(i), (iv).

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11 Dated this 17th of April, 2020.

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15 BENJAMIN H. SETTLE  
United States District Judge  
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